

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 GRACE A. ALBANESE,

4 Plaintiff

5 v.

6 HOMELAND SECURITY OF U.S.,

7 Defendant

Case No.: 2:21-cv-01049-APG-DJA

**Order Accepting Report and
Recommendation and Dismissing Case**

[ECF Nos. 1, 3]

8 On June 8, 2021, Magistrate Judge Albregts recommended that I dismiss plaintiff Grace
9 Albanese's complaint because she has previously been found to be a vexatious litigant but she
10 failed to obtain leave from the Chief Judge of this court before commencing this case. ECF No.
11 3. Albanese did not object. Thus, I am not obligated to conduct a de novo review of the report
12 and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo
13 determination of those portions of the report or specified proposed findings to which objection is
14 made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the
15 district judge must review the magistrate judge's findings and recommendations de novo *if*
16 *objection is made*, but not otherwise" (emphasis in original)).

17 I THEREFORE ORDER that Magistrate Judge Albregts' report and recommendation
18 (ECF No. 3) is accepted, plaintiff's complaint (ECF No. 1-2) is DISMISSED without prejudice
19 to plaintiff filing a complaint in a new action if she first obtains leave to do so from the Chief
20 Judge of this court, and plaintiff's application to proceed in forma pauperis (ECF No. 1) is
21 DENIED as moot. The clerk of court is instructed to close this case.

22 DATED this 6th day of June, 2021.



23 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE